

DRAFT

Blue Ribbon Water Task Force

Minutes

June 26, 2003

Santa Fe, NM

Attendees: Brian Burnett, Steve Flance, Everett Chavez, Larry Blair, Sarah Kotchian, Steve Hernandez, Elmer Salazar, Bob Vocke, Conci Bokum, Stan Bulsterbaum, Frank Chaves, Bob Barnes, Barbara Johnson, Hoyt Pattison, Elmer Lincoln Jr., Paul Paryski, John Leeper, Jack Westman, Tami Rubin, Peter Davies, John D'Antonio, Estevan Lopez, Anne Watkins, and William Toribio attended the BRWTF meeting. Rhea Graham, Liz Zeiler, Tim Murrell, and Hilario Rubio from OSE/ISC attended as a guests.

The next meeting of the BRWTF will be July 23 (4:00-10:00 pm) and 24 (7:30-noon), 2003 in Albuquerque. The meeting location will be provided later.

The Task Force noted that Executive Order 2003-020 Establishing the Governor's Blue Ribbon Task Force on Water is fairly broad. "The Task Force shall advise the State Engineer, Interstate Stream Engineer, and any other relevant state agencies regarding such water policies and laws, including with regard to the preparation and implementation of the State Water Plan." The Executive Order was distributed to Task Force members.

The following is a summary of points made by ISC/OSE during discussions with the Task Force on state water planning:

- Initial focus for the Task Force will be the SWP (see handouts: An Act Relating to Water; Providing for a Comprehensive State Water Plan, Framework for Public Input to a State Water Plan - New Mexico Office of the State Engineer and the Interstate Stream Commission, and Framework for Public Input to a State Water Plan - New Mexico Water Resource Atlas;
- Governor Richardson has mandated the SWP by end of 2003, which will be the first phase of state water planning;
- Governor Richardson understands the ISC/OSE approach to state water planning.
- The SWP will contain policies, which address water issues facing NM;
- The SWP will be a living document with public input;
- The SWP will provide the framework to balance available supply with demand;
- OSE/ISC must have the understanding and tools to actively manage the water resource;
- Policies will be developed for areas such as water rights administration, conservation, watershed management, new water supply development, water markets, drought response, land/water use decision coordination, water banking, and agency coordination;
- OSE/ISC will develop policy statements and provide opportunity for public input at a series of 29 meetings starting July 9, 2003 (see handouts) with a state-wide meeting in late September or early October;
- Public comments on the policies will be placed on the OSE/ISC web site as the public input process proceeds;
- The format for the public meetings is being discussed e.g., brief historical presentation, overview of SWP Act, SWP development timeframe, purpose of SWP, policy statements, and feedback;
- Regional water planners will be engaged and RWPs will be considered, however it is important to differentiate between regional water planning and state water planning with the public;
- OSE/ISC will seek Task Force input as policy statements are drafted;
- The SWP will be presented to ISC for adoption and presentations will be made to the Interim Committee for Water and Natural Resources and Water Trust Board;
- The SWP will build on the Framework for Public Input to a State Water Plan documents;
- Relative to agricultural water conservation "use it or lose it", OSE only transfers the consumptively used portion of the water right, which is crop-specific and not altered through

conservation – “use it or lose it” potentially comes into play during adjudication and historical use determinations;

- Gaining consensus during public meetings is not a requirement – it is important to give stakeholders the opportunity to speak and for ISC/OSE to listen;
- Reaching out systematically and comprehensively to stakeholder groups during the public input process is important;
- Stakeholder contact lists have been developed and will continue to be updated;
- Public meeting notification will be made in the press;
- Governor Richardson will issue a state water planning message in early July; and
- ISC/OSE will communicate with the NM Congressional delegation as the SWP is developed – possibly before and after the state-wide meeting.

The following is a summary of Task Force comments made during discussions with OSE/ISC on the state water planning:

- Water planning is complex and feedback may be compromised due to lack of understanding;
- Feedback may also be compromised due to lack of trust;
- Not all stakeholders will attend public meetings;
- Providing information to stakeholders is important e.g., fact sheets;
- Participation in public meetings should be rewarded i.e., use the input – those that attend the meetings should be rewarded;
- Ensuring representative feedback is important – it may not happen during the 29 meetings;
- SWP policies need to address the variable water supply as growth and economic development continue in the state;
- Senior water rights must be protected.
- Native American water rights must be treated as property rights;
- Unquantified Native American water rights must be protected;
- Consultation for resolution/settlement of Native American claims is important;
- Measuring, modeling, etc. are necessary to actively manage and ensure a sustainable water supply while protecting senior water rights;
- It is important to get input from the water user sectors e.g., the power generation sector’s Water for Energy ZeroNet initiative championed by PNM, Electric Power Research Institute, and Los Alamos National Laboratory;
- It is important to quantify the gap between supply and demand over time (including variability) when considering alternatives to ensure a sustainable supply;
- Water will need to move from the agricultural sector to the municipal/industrial sector in the market place to meet future demands;
- New sources of water must be tapped e.g., atmospheric and brackish/saline;
- State and regional water planning stem from El Paso’s attempt to secure NM water – the Supreme Court indicated that NM couldn’t embargo water without demonstrating reasonable anticipated need, which requires adjudication and understanding the supply and future demand. El Paso lost the case on a procedural mistake during appeal - not because NM demonstrated reasonable anticipated need.
- Consideration of public welfare and conservation were added to impairment in evaluating water transfers by NM after the El Paso case;
- Defining public welfare during the SWP public input process is important;
- SWP policies should assist in securing the public welfare statement;
- Regional commitments to regional public welfare statements are important e.g., green belts, agriculture, economic development, and allowing marginal land to go out of production;
- Regional water plan, SWP, and Native American public welfare statements must be reflected in water resource decision making;
- The relationship of Native American water planning and public welfare must be considered in regional water plans and the SWP;
- A demonstrated commitment to conservation in regional water planning and the SWP is important;

- Draft policies could be distributed to Task Force members prior to the monthly meeting and feedback taken at the monthly meeting; and
- The feds will be holding 2025 Plan meetings – state’s rights feedback will be important.

John and Estevan briefly mentioned the following OSE/ISC activities:

- Rio Grande silvery minnow: pursuing meetings with Congressional delegation, hearing before full circuit court, changes in ESA law, and meetings with DOI;
- San Juan Basin: a shortage sharing agreement allowing full power generation is being implemented; and
- Pecos River: pursuing additional land acquisition (not an issue in CID) and installation of well field to augment Pecos Compact water delivery – a substantial Compact under delivery is possible this year.